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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

CANA FOUNDATION, a non-profit  
 corporation, LAURA LEIGH, individually, and  
 WILD HORSE EDUCATION, a nonprofit  
 corporation,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF THE  
 INTERIOR, BUREAU OF LAND  
 MANAGEMENT, and JON RABY, Nevada  
 State Director of the Bureau of Land  
 Management,

*Federal Defendants.*

Case No. 2:22-cv-01200-CDS-BNW

**JOINT MOTION TO RESET THE  
 SUMMARY JUDGMENT  
 BRIEFING SCHEDULE**

Per the Court’s Order dated March 14, 2023, ECF No. 38, directing the parties to “file a joint motion to reset the summary judgment briefing schedule” within “14 days of either a Court order on Plaintiffs’ record dispute motion or any resolution reached by the parties,” Plaintiffs and Federal Defendants submit this joint motion to reset the summary judgment briefing schedule.

On October 7, 2022, the Court granted the parties’ requested summary judgment briefing schedule and page limit extensions. ECF No. 33. Based on Plaintiffs’ intent to file a

1 motion to resolve an administrative record dispute, and per the parties' request, the Court  
 2 vacated the summary judgment briefing schedule. ECF No. 38. On March 16, 2023, Plaintiffs  
 3 filed a motion to complete and supplement the administrative record, ECF No. 39, and on  
 4 September 22, 2023, the Court issued an Order resolving the record dispute, ECF No. 47.

5 Accordingly, Plaintiffs and Federal Defendants jointly move to reset the summary  
 6 judgment briefing schedule, with the page limit extensions previously granted by the Court, *see*  
 7 ECF No. 33, as follows:

9 • **Cross-Motions for Summary Judgment.**

- 10 ○ Plaintiffs shall file their Motion for Summary Judgment and supporting materials on  
 11 or before **December 15, 2023** (to be limited to **40 pages**).
- 12 ○ Federal Defendants shall file their Opposition to Plaintiffs' Motion for Summary  
 13 Judgment and any Cross-Motion for Summary Judgment on or before **February 23,**  
 14 **2024** (to be limited to **50 pages**).
- 15 ○ Plaintiff shall file its Reply in Support of their Motion for Summary Judgment and  
 16 any Opposition to Federal Defendants' Cross-Motion for Summary Judgment on or  
 17 before **March 22, 2024** (to be limited to **40 pages**).
- 18 ○ Federal Defendants shall file, if necessary, a Reply in Support of their Motion for  
 19 Summary Judgment on or before **April 19, 2024** (to be limited to **30 pages**).

20 Per the Court's September 22, 2023 Order, ECF No. 47—denying Plaintiffs' requests to  
 21 complete and supplement the administrative record with respect to all claims, with the  
 22 exception of Plaintiffs' First Amendment claim (the Sixth Cause of Action in their First  
 23 Amended Complaint, ECF No. 24)—the parties agree that they may rely on extra-record  
 24 materials in their summary judgment briefing for the limited purpose of supporting/opposing  
 25  
 26  
 27  
 28

1 Plaintiffs' Sixth Cause of Action, so long as the materials fall into one of the categories of  
 2 permissible materials identified in the Court's Order. *See* ECF No. 47 (allowing the  
 3 supplementation of the record for Plaintiffs' First Amendment claim with the following  
 4 materials: "(1) communications regarding public access to the 2022 Gather; (2) reports,  
 5 policies, protocols, and press releases regarding historical public access; (3) contracts and  
 6 communications within the agency or with third parties regarding facility placement and public  
 7 access; (4) photos, videos, and audio submitted regarding the 2022 Gather; and (5) witness  
 8 testimony regarding public access and historical access").  
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10  
 11 Dated: September 27, 2023

Respectfully Submitted,

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 13  
 14 TODD KIM, Assistant Attorney General  
 15 S. JAY GOVINDAN, Chief  
 16 BRIDGET KENNEDY McNEIL, Assistant Chief

/s/ Jessica L. blome  
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 (Cal. Bar No. 314898, admitted pro hac  
 vice)

17 /s/ Michelle M. Spatz  
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*Attorneys for Federal Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 27, 2023, I filed the foregoing Joint Motion to Reset the Summary Judgment Briefing Schedule electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Michelle M. Spatz  
Michelle M. Spatz  
U.S. Department of Justice